

REMARKS

Claims 1-13 are pending. By this Amendment, Claims 1, 3-4 and 10 are amended. Since support for the amendments to Claim 1 is provided in the application as originally filed, see the paragraph on page 5, lines 12-22 and Figures 2-3 for example, and because the amendments to Claims 3-4 and 10 merely address informalities therein, Applicant respectfully submits that no new matter is presented.

Claim Rejections - 35 U.S.C. § 112

Claims 1-13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully submits that the claims have been amended in a manner believed to be responsive to the rejection. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1-13 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,034,536 to Mahaffy et al. (Mahaffy). Applicant respectfully traverses the rejection for the following reason(s).

Claim 1 recites an apparatus for making pods. The Office Action alleges Mahaffy teaches a packaging apparatus for making pods. Applicant respectfully points out that simply reading the references reveals the fact that Mahaffy actually teaches an apparatus for packaging bacon and that one of any skill in the art would readily understand that pods and bacon are not remotely similar products.

Claim 1 also recites that the apparatus includes, among other features, actuating means movable along a circular path with revolving drum conveyor means, the revolving drum conveyor means having pockets uniformly distributed thereon, the actuating means

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having, for each pocket on the revolving drum conveyor means, at least one forming head individually associated with that pocket, the forming head being movable toward and away from the pocket, the forming head having a shape that matches a shape of the pocket, wherein the forming head is pressed into a first web and impresses the first web in the pocket to form an impression.

Mahaffy fails to disclose, teach or otherwise suggest such a feature.

According to the Office Action, Mahaffy discloses an apparatus for making pods comprising revolving drum (62); a line for feeding a first web to the drum (web roll 80); actuating means for moving the first web against the pockets on the drum (vacuum means on the drum along with clamp fingers 100); a second line for feeding a second web (web roll 34); the actuating means are mobile along a circular path with the drum (vacuum means and clamp fingers 100 mobile with drum 62); the actuating means comprises for each every pocket on the drum (fingers 100 for each pocket); forming head moving toward and away from the pocket (die clamp 96 and springs 102) suction means acting on the web (vacuum turret).

The machine disclosed by Mahaffy includes a spindle 32 carrying a roll 34 of relatively thin plastic film which passes through a forming station 54 which heats and deform the plastic film to produce receptacles 58. A turret 62 is rotated with an intermittent indexing movement exactly synchronized with that of a horizontal conveyor transporting the receptacles 58. As the turret rotates, it receives a semi-rigid plastic film 64 from a roll 80.

The turret 62 is provided around its periphery with a series of forming dies 84 the cavities of which are shaped to match the configuration of the preferred container 66. During each indexing step, an empty die moves into position under a fresh portion of the

web 64. At the start of the following dwell period, a pressure plate 86 is swung down to press the web into proper position over the die. Thereafter, a pair of toggle-actuators 88 adjacent the sides of the turret 62 are thrust forward by a control mechanism 90 so as to actuate corresponding toggle linkages 94. These toggle-linkages in turn shift corresponding die clamps 96 into position to hold the web tightly over the die.

The die clamps 96 comprise a set of spaced, parallel, elongate and springy clamp fingers 100 the tips of which are curved over to a position to be pressed tightly against the turret frame alongside the side wall of the die 84. The toggle-linkage 94 is an over-center mechanism, with springs 102 arranged to develop in the closed position a force pressing the clamp fingers 100 against the turret frame, so as to pin the edge of the web tightly in position overlying the die. In the open position of the linkage 94, the springs 102 serve to hold the clamp fingers away from the die.

The plastic web 64 is carried by the indexing movement of the turret 62 beneath a retractable radiant heater 110 which, in three successive die stations, heats the plastic to forming temperature. After indexing from under the heater, vacuum is applied to the die cavity under the film, stretching the heated film down against the walls of the cavity. The vacuum is maintained during subsequent indexing, to assure that the film cools sufficiently in its proper shape.

Contrary to assertions made by the Office Action, the die clamp 96 and springs 102 can not be considered the forming head as alleged by the Office Action since the springs 102 merely press the clamp fingers 100 against the turret frame, for retaining the web tightly in position overlying the forming cavities. Moreover, Applicant submits that Mahaffy

clearly and unambiguously does not teach or suggest a forming head that is shaped to match a shape of the dies 84.

Actually, the forming head disclosed by Mahaffy should be considered the three successive die stations which heat the plastic to forming temperature and the vacuum means that stretches the heated film down against the walls of the cavity, since they are the means that forms the receptacle.

Therefore, Mahaffy fails to disclose that the actuating means comprises, for each pocket on the revolving drum conveyor means, at least one forming head individually associated with that pocket. In fact Mahaffy clearly shows that the die stations which heat the plastic are three and motionless, while the pockets are ten and mobile.

Moreover, Mahaffy fails to disclose that the forming head is movable towards and away from the pocket, the forming head being shaped to match a shape of the die so that the forming head is pressed into the first web and impresses the first web in the pocket to form the respective impression. In fact, the forming head disclosed by Mahaffy (namely the three successive die stations which heat the plastic to forming temperature and the vacuum means that stretches the heated film down against the walls of the cavity) is not movable but fixed in location and motionless. In fact Mahaffy clearly shows that the die stations which heat the plastic are not individually associated with each pocket, but they are stationary placed over the rotating turret 62 and therefore over the rotating pockets 84 (see for example figure 9).

Put simply, Mahaffy fails to disclose, teach or remotely suggest each and every feature of the invention recited by Claim 1.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited by a

rejected claim must be disclosed by the applied art of record. As explained above, Mahaffy fails to disclose, teach or suggest each and every feature recited by Claim 1 and therefore does not anticipate, or rendered obvious, the invention recited by Claim 1. For these reasons, Applicant respectfully submits that Claim 1 should be deemed allowable.

Claims 2-13 depend from Claim 1. It is respectfully submitted that these dependent claims should also be deemed allowable for at least the same reasons Claim 1 is allowable as well as for the additional subject matter recited therein.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Conclusion

In view of the above, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claim 1-13, and the prompt issuance of a notice of allowance is respectfully requested.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 023349.00318.**

Respectfully submitted,
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